IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

WILL MCLEMORE, et al.,)
Plaintiffs,) Case No. 3:19-cv-00530
v .) JUDGE RICHARDSON
ROXANA GUMUCIO, et al.,) MAGISTRATE JUDGE BROWN
Defendants.)

MOTION TO DISMISS AMENDED COMPLAINT

Pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, Defendants respectfully move this Court for an order dismissing with prejudice all counts of the Amended Complaint (Doc. No. 50) in the above-referenced action. The reasons supporting this motion are set forth in the attached memorandum of law.

Respectfully Submitted,

HERBERT H. SLATERY III Attorney General and Reporter

s/R. Mitchell Porcello
R. MITCHELL PORCELLO (#25055)
Senior Assistant Attorney General
Attorney General's Office – Tax Division
P.O. Box 20207
Nashville, TN 37202-0207
(615) 532-2547 telephone
(615) 532-2571 fax
Mitch.Porcello@ag.tn.gov
Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion has been served on the following via the court's electronic filing system on December 4, 2019:

Braden H. Boucek (<u>braden@beacontn.org</u>)
David L. Harbin (<u>da.harbin@comcast.net</u>)
Meggan S. DeWitt (<u>Meggan@beaconTN.org</u>)
Beacon Center of Tennessee
201 4th Ave. N.
Suite 1820
P O Box 198646
Nashville, TN 37219
(615) 383-6431

Fax: (615) 383-6432 Counsel for Plaintiffs

s/R. Mitchell Porcello